

Some Key Statutes Governing Lobbyists

(OLRGC -- 5/12/10)

From the Budgetary Procedures Act

63J-1-210. Restrictions on agency expenditures of monies -- Lobbyists.

(1) As used in this section: . . .

(d) **"Lobbyist"** means a person who is not an employee of an agency who is hired as an independent contractor by the agency to communicate with legislators or the governor for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(2) A state agency or entity to which monies are appropriated by the Legislature may not expend any monies to pay a lobbyist.

From the Lobbyist Disclosure and Regulation Act

36-11-102. Definitions.

(7) (a) **"Government officer"** means:

(i) an **individual elected to a position in state or local government**, when acting within the government officer's official capacity; or

(ii) an **individual appointed to or employed in a full-time position by state or local government**, when acting within the scope of the individual's employment.

(b) **"Government officer"** does not mean a member of the legislative branch of state government . . .

(10) **"Lobbying"** means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(11) (a) **"Lobbyist"** means:

(i) an individual who is employed by a principal; or

(ii) an **individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.**

(b) **"Lobbyist"** does not include:

(i) a **government officer**;

(ii) a **member or employee of the legislative branch** of state government;

(iii) a **person while appearing at, or providing written comments to, a hearing** conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

(iv) a **person participating on or appearing** before an advisory or study task force, commission, board, or committee, **constituted by the Legislature or any agency or department of state government**, except legislative standing, appropriation, or interim committees;

- (v) a representative of a **political party**;
- (vi) an individual **representing a bona fide church solely** for the purpose of **protecting the right to practice the religious doctrines** of the church, **unless** the individual or church makes an expenditure that **confers a benefit on a public official**;
- (vii) **a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher** for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action; or
- (viii) **an individual who appears on the individual's own behalf** before a committee of the Legislature or an agency of the executive branch of state government solely for the purpose of testifying in support of or in opposition to legislative or executive action.

From the Lobbying Restrictions Act

67-24-102 Definitions.

As used in this chapter:

- (1) **"Lobbying"** is as defined in Section 36-11-102.
- (2) **"Lobbyist"** is as defined in Section 36-11-102.
- (3) **"State official"** means:
 - (a) a member of the Legislature;
 - (b) the governor;
 - (c) the lieutenant governor;
 - (d) the state auditor;
 - (e) the state treasurer; and
 - (f) the attorney general.

67-24-103 Qualified prohibitions on lobbyists -- Time limit -- Exceptions.

(1) Except as provided in Subsection (2), a **former state official** serving on or after May 12, 2009, may not become a lobbyist or engage in lobbying that would require registration as a lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar year, beginning on the day the state official leaves office and ending on the one-year anniversary of that day.

(2) This section does not apply if the former state official engages in lobbying on behalf of:

- (a) himself; or
- (b) a business with which he is associated, unless the primary activity of the business is lobbying or governmental relations.